

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits - AMR SLBC Project – Court Cases - Decree Passed by the Hon'ble Court of IV Additional Judge(II Fast track Court) Nalgonda in respect of O.S.No.4 of 1995 in A.S.No.22 of 2000 – Sanction of Decretal charges for an amount of Rs.58,000/- - Orders – Issued.

IRRIGATION & CAD (PW:MAJ.IRR.III) DEPARTMENT

G.O.Rt.No. 555.

Dated:21st July, 2008.

READ:-

From the C.E., NSRSSP., Hyderabad, Lr.No.CE/AMRP/W14/SP@
Km.70.138/811/2008, dated:29-04-2008.

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ORDER:

In the reference read above, the Chief Engineer, NSRSSP., Hyderabad has submitted proposals for sanction of Decretal charges for an amount of Rs.58,000/- on the decree passed by the Hon'ble Court of IV Additional Judge(II Fast track Court) Nalgonda in respect of O.S.No.4 of 1995 in A.S.No.22 of 2000. The work of construction of Super Passage at km 70.138 on Main Canal of AMR SLBC Project was entrusted to Sri. K. Sreenivasa Reddy, contractor, by the Superintending Engineer, AMR SLBC Project Circle No.II, G.V.Gudem, Nalgonda, vide Agreement No.20/87-88, dated: 18.12.1987, with a stipulated period of completion of 4 months i.e., by 17.04.1988. The contract value of the above work is Rs.2.97 lakh. The contractor did not complete the work within the agreement period and requested for extension of time. Accordingly, the Superintending Engineer, AMR SLBC Project Circle No.II has granted extension of time up to 31.12.1991, for completion of work. But, the contractor again failed to complete the work even within the extended period. Further, the contractor stopped the work and avoided to receive notices issued by the Department. Hence, the contract was terminated on 27.5.1994 under clause 61 PS to APSS. An amount of Rs.37,781/- is to be recovered from the Contractor as on the date of termination of the contract, towards the cost of steel supplied. The said amount was recovered from the amount due to him from the work bills of other works of the Executive Engineer, I.B. Division, Nalgonda. Aggrieved by the action taken by the department, the contractor filed O.S.No.4 of 1995 in the Hon'ble Court of Senior Civil Judge, Nalgonda, for recovery of amount of Rs 74,058/- from the department. The department defended the suit in the Hon'ble Court, by filing the written statement of defense. After having several hearings from both the department and contractor, the Hon'ble Court have passed the decree for Rs.38, 683/- in favour of the contractor on 30.9.1999. Aggrieved by the judgment, the department has filed an appeal suit No.22 of 2000 in the Hon'ble Court of the IV Additional Judge (II fast track Court), Nalgonda, to set aside the judgment and decree passed by the Hon'ble Court of Senior Civil Judge, Nalgonda.

P.T.O.,

2. The Government Pleader, Nalgonda has opined that there are no grounds for filing the second Appeal in the Hon'ble High Court of Andhra Pradesh and requested to deposit the decretal amount in the Hon'ble Court. Hence, the Superintending Engineer, AMR SLBC Project Circle No.II, G.V.Gudem, Nalgonda has calculated the amount to be deposited in the Hon'ble Court and arrived as Rs.58,000/- (Rupees fifty eight thousand only) and requested for sanction. The Chief Engineer has also requested for sanction of decretal charges for an amount of Rs.58,000/- to deposit in the Hon'ble court.

3. After careful examination of the matter, Government hereby accord sanction of decretal charges for an amount of Rs.58,000/- (Rupees fifty eight thousand only) in respect of O.S.No.4 of 1995 in A.S.No.22 of 2000 to deposit in the court may be agreed to subject to condition that the Chief Engineer should verify the calculations made by the Superintending Engineer, AMR SLBC Project Circle No.1, G.V. Gudem once again thoroughly with reference to the decree of the Court and instructions issued by the Government from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

4. The expenditure sanctioned above, shall be debitable to the following Head of Account under "MH-2701- Major & Medium Irrigation; 01- Major Irrigation (Commercial); MH 127 – AMRSLBC; SH 27 – Canals & Distributaries; 531 – Other Expenditure. In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount voted grant.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No.2965//F5(1)/08-1, dated:28-06-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS,
SECRETARY TO GOVERNMENT.

To
The Chief Engineer, NSRSSP., 6th Floor,
Gaganvihar, M.J.Road, Hyderabad.
The Director of Works and Accounts, Hyderabad.
The Joint Director of Works & Accounts, Nalgonda.
The Superintending Engineer, AMR SLBC Project Circle No.1,
G.V. Gudem, Nalgonda.

Copy to:

The Finance (W&P) Department.
The P.S. to Minister for Major & Medium Irrigation.
The P.S to Secretary to Government (AD), I&CAD (PW) Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.